

1 Michael W. Patten (No. 009796)
2 Timothy J. Sabo (No. 021309)
3 ROSKA DEWULF & PATTEN, PLC
4 One Arizona Center
5 400 East Van Buren Street, Suite 800
6 Phoenix, AZ 85004
7 Telephone: (602) 256-6100
8 mpatten@rdp-law.com
9 tsabo@rdp-law.com

6 Timothy W. Grier (No. 020472)
7 Town Attorney
8 Town of Star Valley
9 3675 East Highway 260
10 Star Valley, Arizona 85541
11 Telephone: (928) 472-7752
12 townmanager@ci.star-valley.az.us

10 Attorneys for Plaintiff Town of Star Valley

11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

12 IN AND FOR THE COUNTY OF GILA

13 TOWN OF STAR VALLEY, a municipal
14 corporation of the State of Arizona,

15 Plaintiff,

16 v.

17 PAYSON WATER CO., INC., an Arizona
18 corporation; COUNTY OF GILA, a
19 political subdivision of the State of Arizona;
20 JOHN DOES 1 through 10; and BLACK
21 AND WHITE PARTNERSHIPS 1 through
22 10,

23 Defendants.

No.

**STIPULATED FINAL ORDER OF
CONDEMNATION**

(Hon. XXXXXX)

22 It appearing to the Court that the Stipulated Final Judgment in Condemnation
23 heretofore in the above-entitled action has been fully paid and satisfied; and

24 It further appearing to the Court that, pursuant to the provisions of Paragraph 6 of
25 the Stipulated Final Judgment in Condemnation, this Court shall now enter the Stipulated
26

1 Final Order of Condemnation.

2 IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

3 1. that sole use, possession, and ownership of all the plant, system, and
4 business of Payson Water Co., Inc. ("PWC"), including, but not limited to, all fee and/or
5 leasehold interests in real property described in **Exhibit A** attached hereto, all easements,
6 water wells, pumps, water plants, substations, water distribution systems, customer
7 accounts, books and records used and useful in providing water utility services, the PWC
8 Certificate of Convenience and Necessity as shown the Star/Quail Valley system on the
9 map attached hereto as **Exhibit B**, and/or business, and all tangible, intangible, personal
10 or real property rights or interests in any way related thereto (collectively, the "Town
11 System") be, and the same are, hereby condemned for the use and benefit of the Town,
12 and that the ownership of the same be, and is, hereby vested in the Town, a municipal
13 corporation of the State of Arizona,

14 2. that the Town System is transferred in its "as is, where is, with all faults"
15 condition, and without the necessity of any other consents, orders, or approvals by any
16 governmental entities, free and clear of any and all claims by, through, or on behalf of
17 PWC. Provided, however, that the foregoing is limited by the representations and
18 warranties of PWC set forth in Paragraph 6 of the Settlement Memorandum entered into
19 on or about December 29, 2011 (attached as **Exhibit A**) by and between PWC and the
20 Town, and that the provisions of the said Paragraph 6 are incorporated herein by
21 reference.

22 3. That the portion of PWC's Certificate of Convenience and Necessity for the
23 Town System (as shown the "Star/Quail Valley" system on the map attached hereto as
24 **Exhibit B**) be forever terminated and extinguished.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

DONE IN OPEN COURT this ____ day of _____, 2012.

Hon. XXXXX
Judge of the Superior Court

1 APPROVED AS TO FORM AND CONTENT:

2
3 TOWN OF STAR VALLEY

4
5 By: _____
6 Timothy W. Grier
7 Town Attorney
8 Town of Star Valley
9 3675 East Highway 260
Star Valley, Arizona 85541
Telephone: (928) 472-7752
townmanager@ci.star-valley.az.us

10 and

11 Michael W. Patten (No. 009796)
12 Timothy J. Sabo (No. 021309)
13 ROSHKA DEWULF & PATTEN, PLC
14 One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, AZ 85004
Telephone: (602) 256-6100
mpatten@rdp-law.com
tsabo@rdp-law.com

15
16 Attorneys for Plaintiff Town of Star Valley

17
18
19 FENNEMORE CRAIG, P.C.

20
21 _____
22 Jay L. Shapiro
23 Attorneys for Defendant Payson Water Co., Inc.
24
25
26

1 ORIGINAL of the foregoing hand-delivered
2 this ____ day of____, 2011 with:
3 Hon. XXXXX
4 Judge of the Superior Court
5 Address
6 COPY of the foregoing mailed
7 this _____ day of _____, 2011, to:
8 Jay Shapiro
9 Fennemore Craig, P.C.
10 3003 North Central Avenue, Suite 2600
11 Phoenix, Arizona 85012
12 Attorneys for Defendant Payson Water Co., Inc.
13
14
15
16
17
18
19
20
21
22
23
24
25
26